Notice of Allowability	Application No.	Applicant(s)
	10/612,539	CRANE ET AL.
	Examiner	Art Unit
	Ted Kavanaugh	3728
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not included will be mailed in due course. THIS
1. X This communication is responsive to amendment filed May	<u> 24, 2006</u> .	
2. X The allowed claim(s) is/are 1,2,4-9 and 12-19.		
 Acknowledgment is made of a claim for foreign priority una)	been received. been received in Application No	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply of this application.	complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give		
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.	
(a) including changes required by the Notice of Draftspers		948) attached
1) 🗌 hereto or 2) 📗 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment or in the O	ffice action of
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t	.84(c)) should be written on the drawir he header according to 37 CFR 1.121(c	ngs in the front (not the back) of d).
6. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL n FOR THE DEPOSIT OF BIOLOGIC	nust be submitted. Note the AL MATERIAL.
·		
Attachment(s) 1. Notice of References Cited (PTO-892)	5. Notice of Informal P	atent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary Paper No./Mail Dat	
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date <u>5-24-2006</u>	08), 7. ☐ Examiner's Amenda	
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	_	ent of Reasons for Allowance
	9. ⊠ Other <i>TD approved</i> .	Ted Kavanaugh- Primary Examiner Art Unit: 3728

Art Unit: 3728

Terminal Disclaimer

1. The terminal disclaimer filed on May 24, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,598,321 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Ted Kavarlaugh
Primary Examiner
Art Unit 3728

TK June 5, 2006 Via Facsimile 9-1-571-273-8300

PATENT CASE FC01093Q2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3728

Examiner: John T. Kavanaugh

In re application of:

Laura Crane et al.

Serial No.: 10/612,539

Filing Date: July 2, 2003

Attorney Docket No.: FC01093Q2

Title:

GEL INSOLES WITH LOWER

HEEL AND TOE RECESSES

HAVING THIN SPRING

WALLS

Schering-Plough Corporation Kenilworth, New Jersey 07033-0530

Mail Stop: Amendment Commissioner for Patents

PO Box 1450

Alexandria VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, Schering Plough Healthcare Products, Inc., is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 36 U.S.C. sections 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly-owned U.S. Patent No. 6,598,321. Petitioner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the aforesaid U.S. patent are commonly-owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. sections 154 to 156 and 173 of the aforesaid patent application, as presently shortened by any terminal disclaimer, in the event that either one or both later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CRF 1.321, has all claims cancelled by a

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